

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GERALD SPENCE,

Plaintiff,

No. CIV S-05-0690 GEB KJM P

vs.

DIRECTOR OF CORRECTIONS, et al.,

ORDER AND

Defendant.

FINDINGS & RECOMMENDATIONS

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A recent court order was served on plaintiff's address of record and returned by the postal service. It appears that plaintiff has failed to comply with Local Rule 83-182(f), which requires that a party appearing in propria persona inform the court of any address change.

In light of this fact and of the pending motion to dismiss, defendants' motion to modify the scheduling order is well-taken.

IT IS HEREBY ORDERED that defendants' September 17, 2007 motion is granted and the dates for filing pretrial statements and for pretrial conference and trial, set in the scheduling order of April 13, 2007, are hereby vacated.

IT IS HEREBY RECOMMENDED that this action be dismissed for plaintiff's failure to keep the court apprised of his current address. See Local Rules 83-182(f) and 11-110.

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1 These findings and recommendations are submitted to the United States District
2 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty
3 days after being served with these findings and recommendations, plaintiff may file written
4 objections with the court. The document should be captioned "Objections to Magistrate Judge's
5 Findings and Recommendations." Plaintiff is advised that failure to file objections within the
6 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
7 F.2d 1153 (9th Cir. 1991).

8 DATED: October 9, 2007.


U.S. MAGISTRATE JUDGE

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